



09/677,476

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Date

Feb 28, 2005

Ellen Huffman

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ripley, et al.	Art Unit: 2171
Application No.: 09/677,476	Examiner: Patrick Santos
Filed: 10/02/2000	Attorney Docket No.: 800433
Title: SYSTEM AND METHOD FOR VISUALLY REPRESENTING HIERARCHICAL DATABASE OBJECTS AND THEIR SIMILARITY RELATIONSHIPS TO OTHER OBJECTS IN THE DATABASE	

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE UNDER 37 CFR 1.111

Introductory Comments

Dear Sir:

The Office has finally rejected Applicants' claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,594,673 issued to Smith et al. in view of U.S. Patent No. 6,618,727 issued to Wheeler et al. Applicants contend that the cited references neither structurally nor more generally, suggest the claimed subject matter of Applicants' claimed invention. Contrary to the Office's assertion of obviousness, all elements of Applicants' claims, as amended, are not disclosed in the cited references of Smith et al. (U.S. Patent No. 6,594,673)

in view of Wheeler et al. (U.S. Patent No. 6,618,727). Therefore, the Office has not established a *prima facie* case for obviousness since the rejections are unsupported by the art, and the rejections should be withdrawn. Applicants request reconsideration and examination of the application in view of the following amendments and discussion. In addition, the Wheeler reference should be disqualified as prior art under 35 U.S.C. § 103(c).

The following discussion addresses the disqualification of prior art under 35 U.S.C. § 103(c) and the claim rejections under 35 U.S.C. § 103(a).

Disqualification as Prior Art Under 35 U.S.C. § 103(c)

The reference of U.S. Patent No. 6,618,727 issued to Wheeler et al. (U.S. Patent Application No. 09/401,101) cited by the Office is incorporated by reference on page 2, line 25 of the specification of the current application as filed. The current application has a file date of October 2, 2000. Infoglide Corporation is presently the assignee of record of the present application and the Wheeler patent.

The current U.S. Patent Application No. 09/677,476 and U.S. Patent No. 6,618,727 (U.S. Patent Application No. 09/401,101) were, at the time the invention of U.S. Application No. 09/677,476 was made, owned by or subject to an obligation of assignment to the same entity, namely Infoglide Corporation of Austin, Texas. Assignment recordation documents for these applications are filed in the U.S. Patent Office.

Applicants also disclaim the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,618,727.

Executed copies of a declaration of common ownership and a terminal disclaimer are contained in Attachment A accompanying this response. A fee set forth under 37 CFR 1.20(d) is also included with this response.